

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2903 of 2019**

Arising Out of PS. Case No.-633 Year-2015 Thana- BHABHUA District- Kaimur (Bhabua)

SUDHIR KUMAR SINGH @ SUDHIR KUMAR Son of Parmeshwar Prasad
Singh Resident of Village - Parasiya, P.S.- Chainpur, Dist.- Kaimur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Avinash Shekhar
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 05-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 24.05.2019 passed by learned 1st Addl. Sessions Judge, Kaimur, Bhabhua in Bhabhua P.S. Case No. 633 of 2015 registered under Sections 448, 504 and 506/34 of the Indian Penal Code and Section 3(i)(v), 3(i)(iv) and 3(i)(x) of the SC/ST Act.

Panchamdev Singh @ Vivek Singh is said to have got the house of the informant transferred in the name of his mother from the husband of the informant taking him under the influence of liquor. When the informant opposed the mutation of



the house in favour of the vendee, said Panchamdev Singh along with the appellant arrived at the house of the informant and slated her in the name of her caste and asked her to vacate the house else to face dire consequence.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely because he happens to be friend of said Panchamdev Singh and husband of the informant after receiving consideration amount transferred his house in the name of the mother of the said Panchamdev Singh. The only allegation against the appellant is of slating the informant in the name of her caste and also extending threatening arriving at her house. Aforesaid allegation levelled against the appellant is not specific rather general and omnibus in nature. Moreover said occurrence of slating is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Said Panchamdev Singh has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.02.2016 passed in Cr. Misc. No. 6602 of 2016.

Learned Spl. PP for the State opposed the prayer for bail.



Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 633 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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